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PATENT  
Attorney Docket No. P04532US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#5

APPLICANT: Jilka, et al. Group Art Unit:  
SERIAL NO: 10/086,062 Examiner:  
FILED: February 28, 2002 Confirmation No: 3714  
TITLE: NOVEL PLANT PROMOTER SEQUENCES AND METHODS OF USE  
FOR SAME

**SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT  
FILED WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This information disclosure statement is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last.

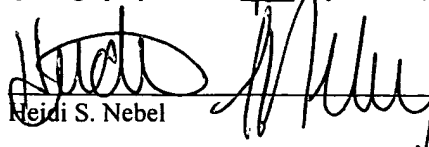
Attached are Forms PTO/SB/08A and 08B (formerly Form PTO-1449) listing the relevant art known to the applicant herein. Copies of the listed references are enclosed. The Examiner is requested to consider the references and make them of record.

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose. Legible copies of all items listed in Forms PTO/SB/08A and 08B (formerly Form PTO-1449) accompany this information statement, except those identified above.

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CERTIFICATE OF MAILING

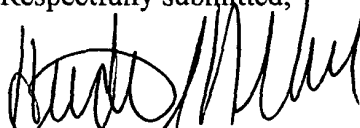
I hereby certify that the above correspondence was mailed to the Assistant Commissioner for Patents, Washington, D.C. 20231, as First Class mail, postage prepaid, this 13 day of June, 2002.

  
Heidi S. Nebel

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner.

Respectfully submitted,



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- pw -

Attorneys of Record

#5/suppl.  
I.D.S.

Form PTO/SA08B (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO		<b>C mplete if Kn wn</b>	
<b>SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		Application Number	10/086,062
		Filing Date	February 28, 2002
		First Named Inventor	Joseph M. Jilka
		Art Unit	
		Examiner Name	
Sheet 1 of 2	Attorney Docket Number	P04532US1	

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No. <sup>1</sup>	Document Number Number - Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-			
		US-			
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		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		WO 01 18220 A	03/15/2001	Monsanto PLC		
		EP 0 342 926 A	11/23/1989	Lubrizol Genetics		

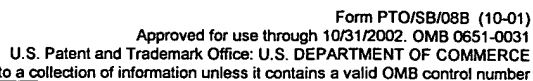
Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional).. <sup>2</sup> See Kinds of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.

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**Complete if Known**

<b>Application Number</b>	10/086,062
<b>Filing Date</b>	February 28, 2002
<b>First Named Inventor</b>	Joseph M. Jilka
<b>Group Art Unit</b>	
<b>Examiner Name</b>	
<b>Attorney Docket Number</b>	P04532US1

Sheet	2	of	2
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[illegible]

Examiner Signature		Date Considered	
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\* EXAMINER: Initial if reference considered whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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